

AMENDED IN ASSEMBLY MARCH 31, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 208**

**Introduced by Assembly Members Gordon and Parra  
(Coauthors: Assembly Members Bermudez, Chavez, Cohn,  
DeVore, Shirley Horton, Karnette, Maze, Oropeza, Ruskin, and  
Walters)**

*(Coauthor: Senator Alquist)*

January 31, 2005

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An act to amend ~~Section 48306~~ *Sections 48306 and 48308* of the Education Code, relating to school districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 208, as amended, Gordon. School districts: priority for attendance: children of military personnel.

(1) Existing law requires each person between the ages of 6 and 18 years, not otherwise exempt, to attend the public full-time day school in the district in which their parent or guardian is a resident. Existing law, until January 1, 2008, authorizes the governing board of a school district to adopt a resolution to become a school district of choice that accepts interdistrict transfers, as specified. *Existing law establishes a transfer application procedure, as specified.* Existing law authorizes the district to limit the number of pupils accepted for transfer in specified circumstances, but requires district to give priority for attendance to siblings of children already in attendance in that district.

This bill would also require a school district of choice to give priority for attendance to children of military personnel, *and would make specified exceptions to, and provisions regarding, the transfer application procedure in existing law, with respect to pupils whose parents or legal guardians are enlisted in the military.*

Because this bill would impose ~~this~~ *these* requirements on school districts of choice, it would create a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 48306 of the Education Code is  
2 amended to read:

3 48306. Each school district of choice shall give priority for  
4 attendance to siblings of children already in attendance in that  
5 district and to children of military personnel.

6 SEC. 2. Section 48308 of the Education Code is amended to  
7 read:

8 48308. (a) ~~Any~~ (1) ~~An application for requesting a transfer~~  
9 ~~under~~ pursuant to this article shall be submitted by the ~~pupil's~~  
10 parent or guardian of a pupil to the school district of choice that  
11 has elected to accept transfer pupils pursuant to Section 48301  
12 prior to January 1 of the school year preceding the school year  
13 for which the pupil is requesting to be transferred. This  
14 application deadline may be waived upon agreement of the  
15 ~~pupil's~~ school district of residence of the pupil and the school  
16 district of choice.

17 (2) *The application deadline specified in paragraph (1) does*  
18 *not apply to an application requesting a transfer if the parent or*  
19 *guardian of the pupil, with whom the pupil resides, is enlisted in*  
20 *the military and was relocated by the military within 90 days*  
21 *prior to submitting the application.*

22 (b) The application may be submitted on a form provided for  
23 this purpose by the department and may request enrollment of the  
24 pupil in a specific school or program of the school district.

(c) (1) Not later than 90 days after the receipt by a school district of an application for transfer, the governing board of the school district may notify the parent or guardian in writing whether the application has been provisionally accepted or rejected or of the pupil's position placement of the pupil on any a waiting list. Final acceptance or rejection shall be made by May 15 preceding the school year for which the pupil is requesting to be transferred. ~~In the event of an acceptance, that~~

(2) (A) Notwithstanding paragraph (1), the governing board of a school district shall, not later than 90 days after receipt of an application submitted according to paragraph (2) of subdivision (a), make a final acceptance or rejection of that application. A pupil may enroll in a school in the school district immediately upon his or her acceptance.

(B) If an application submitted according to paragraph (2) of subdivision (a) is submitted less than 90 days prior to the beginning of the school year for which the pupil seeks to be transferred, the governing board of the school district shall accept or deny the application prior to the commencement of the school year. A pupil may enroll in a school in the school district immediately upon his or her acceptance.

(3) If the application is accepted, the notice required by this subdivision may be provided ~~also~~ to the school district of residence. If the application is rejected, the district governing board may set forth in the written notification to the parent or guardian the specific reason or reasons for that determination, and may ensure that the determination, and the specific reason or reasons therefor, are accurately recorded in the minutes of a regularly scheduled board meeting in which the determination was made.

(d) Final acceptance of the transfer is applicable for one school year and will be renewed automatically each year unless the school district of choice through the adoption of a resolution withdraws from participation in the program and no longer will accept any transfer pupils from other districts. However, if a school district of choice withdraws from participation in the program, high school pupils admitted under this article may continue until they graduate from high school.

1     ~~SEC. 2.~~

2     *SEC. 3.* If the Commission on State Mandates determines that  
3 this act contains costs mandated by the state, reimbursement to  
4 local agencies and school districts for those costs shall be made  
5 pursuant to Part 7 (commencing with Section 17500) of Division  
6 4 of Title 2 of the Government Code.

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